

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAVID RODRIGUEZ,

Petitioner,

Case Number: 06-CV-13951

v.

HON. PAUL V. GADOLA

FEDERAL BUREAU OF PRISONS, ET AL.,

Respondent.

/

OPINION AND ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

Petitioner David Rodriguez filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. At the time he filed the petition, Petitioner was incarcerated at the Federal Correctional Institution in Milan, Michigan. Petitioner challenges the Federal Bureau of Prisons' (BOP) regulations and policies which limit the placement of federal prisoners in community corrections centers (CCCs), also known as residential reentry centers (RRCs). Petitioner argued that he should be permitted to serve the last six months of his sentence in a CCC, but that the BOP intended to permit him to serve only two months in a CCC. Respondent has filed a Notice of Petitioner's Transfer arguing that because Petitioner has now been transferred to a RRC, his petition is moot.

Article III, § 2, of the Constitution requires the existence of a case or controversy through all stages of federal judicial proceedings. This case or controversy requirement means that, throughout the litigation, the plaintiff "must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision." *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990).

Respondent states that Petitioner was released to a RRC in Florida on November 30, 2006.

The Federal Bureau of Prisons maintains an Inmate Locator, which may be accessed through the Bureau of Prisons' official website (www.bop.gov). The Inmate Locator enables the public to track the location of federal inmates. The Court is permitted to take judicial notice of information on the Inmate Locator. *See Chukwuemeka v. Hogsten*, No. 05-2531; 2006 WL 42175, n.2 (M.D. Pa. Jan. 6, 2006); *Meador v. O'Brien*, No. 04-224; 2005 WL 2133598, * 4 (E.D. Ky. Aug. 31, 2005). The Inmate Locator indicates that Petitioner is now housed at a RRC in Florida. The relief Petitioner seeks in his habeas petition is an order from this Court requiring the BOP to transfer him to a CCC. Because Petitioner has been afforded the relief sought in his petition, the Court concludes that there remains no actual injury which the Court could redress with a favorable decision. *Accord Elwood v. Sanders*, 152 Fed. Appx. 558 (8th Cir. Nov. 2, 2005) (unpublished) (holding that petitioner's release pending appeal rendered moot challenge to BOP's policy preventing his transfer to CCC); *Chhibba v. Fed. Bureau of Prisons*, 154 Fed. Appx. 279 (3d Cir. Oct. 19, 2005) (unpublished) (same); *Vega-Rosado v. Ledezma*, No. 06-1269, 2006 WL 2927322 (D. Puerto Rico Oct 11, 2006) (same) (unpublished). The matter shall, therefore, be dismissed as moot.

For the foregoing reasons, the Court **DISMISSES** the petition for a writ of habeas corpus.

SO ORDERED.

Dated: December 21, 2006

s/Paul V. Gadola

HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on December 21, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Patricia Gaedeke, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: David Rodriguez.

s/Ruth A. Brissaud

Ruth A. Brissaud, Case Manager
(810) 341-7845